

Message Text

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S E C R E T SECTION 1 OF 2 NICOSIA 0594

EXDIS

E.O. 11652: XGDS-2
TAGS: PFOR, SY, CY, US
SUBJECT: DAVIES CASE

SUMMARY: IN SECTION TWO OF EIGHT OF OUR REVIEW OF THE CYPOL
COVERING REPORT ON THE DAVIES INVESTIGATION, THE RESULTS OF
THE SEARCHES OF THE HOUSES OF KTIMATIAS AND LEFTIS ARE SET
FORTH AS ARE THE GISTS OF THEIR SIGNED STATEMENTS GIVEN CYPOL.
THE RESULTING INVESTIGATIVE COVERAGE BY CYPOS MATERIALLY
CHALLENGED THE KTIMATIAS AND LEFTIS STATEMENTS. END SUMMARY.

BEGIN SECTION TWO:
FACTS (CONTINUED)

18. THE CYPOS SEARCH OF KTIMATIAS' HOUS ON MAY 27, 1976
RESULTED IN THE FOLLOWING ARTICLES BEING FOUND AND SEIZED
AS EXHIBITS:

- A. ONE BLUE CAP WITH INSIGNIA EOKA
- B. ONE GREEN BERET
- C. ONE MILITARY OFFICER'S CAP WITH INSIGNIA 21ST APRIL
- D. ONE PAIR EPAULETS WITH THREE STARS EACH (CAPTAIN)
- E. THREE PISTOL POUCHES
- F. ONE BLUE BERET WITH INSIGNIA EOKA
- G. ONE GREEN BERET OF LOK (PARACHUTIST)
- H. ONE MILITARY K.D. (KHAKI DRESS) JACKET WITH THREE STARS

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- I. TWO SETS OF CLEANING INSTRUMENTS M.58
- J. ONE CLEANING INSTRUMENT FOR REVOLVER
- K. ONE PAIR K.D. MILITARY TROUSERS
- L. ONE MILITARY BAYONET WITH CASE. THIS WAS FOUND
IN HIS PRIVATE CAR, AY 854.

19. KTIMATIAS WAS INTERROGATED THAT SAME DAY, MAY 27, AND

FURNISHED A SIGNED STATEMENT. HE SAID THAT ON JULY 16, 1974 CHIEF OF POLICE PANTELIDES ASSIGNED HIM TO DUTY WITH THE NATIONAL GUARD UNDER COLONEL BOUFAS. ON JULY 29, DURING THE TURKISH INVASION, HE WAS ON DUTY AT THE INTERNATIONAL AIRPORT IN NICOSIA COMMANDING A MILITARY GROUP. HE WAS ARMED WITH A SERVICE REVOLVER AND A SWEDISH AUTOMATIC FIREARM. LATER, ON JULY 20, HE WAS ISSUED A MILITARY UNIFORM WITH RANK OF CAPTAIN.

ON AUGUST 19 HE WAS AT POLICE HQS. GETTING PETROL FOR HIS POLICE VEHICLE, ALTHOUGH STILL ATTACHED TO THE NATIONAL GUARD. HE HEARD SHOTS AND SAW SMOKE COMING FROM THE DIRECTION OF THE AMERICAN EMBASSY. AS HE DROVE BACK TOWARDS NICOSIA, ALONE, HE WAS OBLIGED TO STOP BECAUSE OF THE DEMONSTRATION AT THE AMERICAN EMBASSY. HE SAW DEMONSTRATORS ATTACKING MAJOR PAPA-DOPOULOS, A GREEK ARMY OFFICER STATIONED IN CYPRUS WHO HAD BEEN SENT TO THE SCENE TO DISPERSE THE RIOTERS. HE RUSHED TO HELP THE MAJOR.

HE DENIED WEARING THE INSIGNIA OF A CAPTAIN. HE REFUSED TO EXPLAIN THE WEAPON HE WAS CARRYING, SAYING HE HAD GIVEN A STATEMENT BEFORE. HE DENIED HE HAD EVER ENTERED THE BUILDING UNDER CONSTRUCTION. HE DID NOT REMEMBER ANY INCIDENT INVOLVING INSPECTOR IERIDES. HE SAID HE DID NOT LEAVE THE HILTON (ARCH. MAKARIOS III AVE.) NOR PROCEED TO THE AMERICAN EMBASSY. HE DID NOT SEE ANYONE FIRING AT THE EMBASSY BUILDING.

20. REGARDING KTIMATIAS' MOVEMENTS ON AUG. 19 IT IS IN EVIDENCE THAT HE WAS IN THE AREA OF THE EMBASSY, DRESSED
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IN K.D. MILITARY UNIFORM, WEARING AN OFFICER'S CAP AND HOLDING AN AUTOMATIC WEAPON. HE WAS IN A FIRING POSITION AT THE EASTERN PART OF THE BUILDING UNDER CONSTRUCTION. HE WAS SEEN ENTERING THE BUILDING UNDER CONSTRUCTION FOLLOWED BY LEFTIS AND SAVVA, WHO WERE ALSO ARMED.

A. THE FIREARM WHICH KTIMATIAS IS ALLEGED TO BE CARRYING HAS NOT BEEN TRACED FOR EXAMINATION.

B. KTIMATIAS IS SHOWN IN A FILM GIVEN CYPOL BY THE AMERICAN EMBASSY STANDING ON THE SOUTHEASTERN CORNER OF THE BUILDING UNDER CONSTRUCTION HOLDING A KALASHNIKOV AUTOMATIC WEAPON AT AN AIMING POSITION TOWARDS THE EMBASSY. A WITNESS, INSPECTOR IERIDES, TOOK HIM AWAY FROM THE SCENE. IERIDES, IN HIS STATEMENT SAID HE DID NOT SEE KTIMATIAS FIRING.

C. THERE IS ALSO EVIDENCE THAT KTIMATIAS WAS SEEN AT THE ABOVE-MENTIONED PLACE FIRING AT THE EMBASSY AND WAS SEEN WITH LEFTIS STANDING ON THE INSIDE OF THE SIXTH-FLOOR WINDOW STAIRWELL OF THE BUILDING UNDER

CONSTRUCTION. IT COULD NOT BE SEEN WHETHER THEY WERE HOLDING GUNS WHILE AT THE SIXTH-FLOOR WINDOW.

21. ON SEPT. 3, 1976 LEFTIS' HOUSE WAS SEARCHED. A MILITARY BAYONET AND A BELT WITH AN EMPTY REVOLVER POUCH WERE FOUND.

22. ON SEPT. 3, 1976 LEFTIS WAS INTERROGATED. IN HIS SIGNED STATEMENT HE SAID THAT ON JULY 20 1974 HE WAS SERVING AS A VOLUNTEER MAJOR IN THE NATIONAL GUARD UNDER BRIG. GENERAL AZINAS.

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S E C R E T SECTION 2 OF 2 NICOSIA 0594

EXDIS

A. ON AUG. 19, 1974 AT ABOUT 1300 HOURS, HE WAS INSTRUCTED BY AZINAS TO PROCEED WITH TWO 2ND LTS. TO THE AMERICAN EMBASSY TO DISPERSE RIOTERS. HE WENT THERE IN A JEEP. ONE OF THE TWO 2ND LTS. WITH HIM WAS XENOFON G. XENOFONTOS. ON ARRIVING, THEY HEARD CONTINUING FIRING OF AUTOMATIC WEAPONS DIRECTED AGAINST THE EMBASSY. HE AND THE TWO 2ND LTS. WALKED TO THE MAIN ENTRANCE OF THE EMBASSY. THE SHOTS CONTINUED. THEY CONCLUDED THE SHOTS CAME FROM THE BUILDING UNDER CONSTRUCTION. HE SAW MANY ARMED PERSONS. HE SAW NONE OF THEM FIRING.

B. SOON THE THREE MEN SAW TEAR GAS GRENADES THROWN FROM THE EMBASSY. THEY BEGAN DISPERSING THE RIOTERS. HE HEARD AN AMERICAN SHOUT THE AMBASSADOR WAS WOUNDED. XENOFONTOS TOLD HIM TO RETURN TO THE JEEP. HE, XENOFONTOS, AND TWO OTHERS RETURNED TO THE JEEP AND WENT BACK TO THEIR NATIONAL GUARD CAMP.

C. LEFTIS WAS WEARING A GREEN MILITARY OVERALL AND A JOCKEY CAP. HE WAS CARRYING A MARSIP AUTOMATIC

WEAPON ISSUED BY THE NATIONAL GUARD. LEFTIS SAID XENOFONTOS WAS CARRYING A CZECH-TYPE AUTOMATIC WEAPON. THE OTHER 2ND LT. HAD A STEN GUN. LEFTIS SAID NEITHER HE NOR HIS COMPANIONS FIRED TOWARDS THE EMBASSY OR INTO THE AIR. HE DENIED ENTERING THE BUILDING UNDER CONSTRUCTION. HE DID NOT SEE KTIMARIAS OR SAAVA. LATER,
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HE DELIVERED THE MARSIP AUTOMATIC WEAPON TO A SOLDIER OF THE NATIONAL GUARD WHO WAS UNKNOWN TO HIM. HE DENIED HAVING APPROACHED THE FIRE BRIGADE VEHICLE TO WASH HIS FACE (FROM THE TEAR GAS). CYPOL COMMENT: THERE IS EVIDENCE HE DID SO AND WAS ACCOMPANIED BY KTIMATIAS AND SAAVA. END CYPOL COMMENT.

23. IT IS IN EVIDENCE THAT LEFTIS WAS SEEN IN THE AREA SOUTH OF THE EMBASSY CARRYING AN AUTOMATIC WEAPON. THERE IS ALSO EVIDENCE HE CARRIED THIS AUTOMATIC WEAPON INTO THE BUILDING UNDER CONSTRUCTION AND WAS SEEN STANDING IN THE SIXTH-FLOOR WINDOW OF THE STAIRWELL. WHEN AT THE SIXTH-FLOOR WINDOW NO ONE SAW HIM WITH A WEAPON. THERE IS NO EVIDENCE LEFTIS FIRED AGAINST THE EMBASSY EITHER AT THIS STAGE OR BEFORE ENTERING THE BUILDING UNDER CONSTRUCTION.

THE ALLEGATION OF LEFTIS THAT HE WENT TO THE EMBASSY WITH XENOFONTOS AND ANOTHER 2ND LT. ON INSTRUCTIONS OF BRIG. GEN AZINAS IS REBUTTED BY WITNESSES WHO SAY THAT ON THAT DAY XENOFONTOS WENT TO THE EMBASSY WITH AZINAS AND NOT WITH LEFTIS. END SECTION TWO.

1. EMBASSY ANALYSIS AND COMMENTS: THE STATEMENTS OF KTIMATIAS AND LEFTIS ARE REFUTED IN ALMOST EVERY SIGNIFICANT DETAIL BY THE CYPOS INVESTIGATION. IF THEY PERSIST IN THEIR STORIES DURING THE TRIAL, THEIR CREDIBILITY COULD BE SUCCESSFULLY AND IMMEDIATELY CHALLENGED. WE SUGGEST THE EVIDENCE TO DATE BE VIEWED IN THE FOLLOWING PERSPECTIVE: THE BULLETS CAUSING THE DEATHS OF AMBASSADOR DAVIES AND MISS VARNAVA WERE NEVER FOUND, NOR WAS THE KALASHNIKOV AUTOMATIC WEAPON USED BY KTIMATIAS. CYPOL ADMITS HAVING NO EVIDENCE THAT LEFTIS OR SAAVA FIRED THEIR WEAPONS AT ANY TIME. NEVERTHELESS, WE BELIEVE THAT THE EVIDENCE TO DATE, UNLESS THE CREDIBILITY OF THE GOVERNMENT WITNESSES IS SUCCESSFULLY IMPEACHED, WILL PROVIDE A
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BASIS FOR THE CHARGES BROUGHT BY THE A/G TO BE ACCEPTED FOR TRIAL AT THE ASSIZES COURT. KTIMATIAS WAS SEEN FIRING AT AMBASSADOR DAVIES' OFFICE WINDOW. THIS FACT WILL BE ESTABLISHED BY EYE-WITNESSES. KTIMATIAS AND LEFTIS (AND POSSIBLY SAAVA) WERE SEEN TOGETHER BEFORE THE THREE ENTERED THE BUILDING UNDER CONSTRUCTION, CARRYING AUTOMATIC WEAPONS. THE THREE MEN WERE SEEN IN THAT BUILDING DURING AND AFTER THE TIME THE FATAL SHOTS WERE FIRED FROM IT. AS WILL BE SEEN IN SECTIONS THREE AND FOUR, HOWEVER, THE EVIDENCE AGAINST SAAVA IS NOT NEARLY AS SOLID AS THAT AGAINST KTIMATIAS AND LEFTIS. AS IN SECTION ONE, CYPOL AGAIN SETS FORTH INFORMATION DERIVED FROM FILMS AND PHOTOGRAPHS PROVIDED BY PHERSON. THIS INFORMATION WILL BE INADMISSIBLE AS EVIDENCE WHEN THE DAVIES TRIAL GET UNDERWAY. END ANALYSIS AND COMMENT.

2. SECTION THREE, TO FOLLOW, WILL SYNOPSISIZE THE SIGNED STATEMENTS FURNISHED BY THE REMAINING FOUR ACCUSED AS WELL AS BY NICOS DEMETRIADES AND VASILIS PROESTOS. DILLERY

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